



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 04909-98
1 May 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: LT [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 10 Jun 98 w/attachments
(2) NPC-85 memo dtd 18 Nov 98 and
PERS-85 memo dtd 26 Apr 00

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show the lineal position, date of rank, and effective date of his permanent promotion to chief warrant officer (W3) (CWO3) he would have been assigned had this promotion not been administratively delayed. He specifically requested the projected date of rank and effective date of 1 October 1997. His current date of rank and effective date are 12 February 1998.

2. The Board, consisting of Ms. Newman, Schnittman and Taylor, reviewed Petitioner's allegations of error and injustice on 27 April 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the Navy Personnel Command (NPC) office with cognizance over the subject matter of this case has commented to the effect that Petitioner's request has merit and warrants favorable action. They recommend changing his CWO3 date of rank (and by implication, effective date) to 1 December 1997, rather than the projected date of 1 October 1997, on the basis of a previous determination that all Fiscal Year 98 CWO3 selectees would have a promotion date not prior to 1 December 1997.


CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting partial relief, specifically, correction of Petitioner's CWO3 date of rank and effective date to 1 December 1997. In view of the above, the Board directs the following limited corrective action:

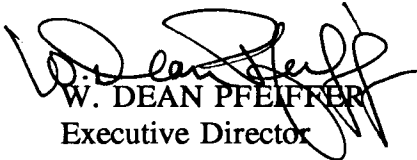
RECOMMENDATION:

- a. That Petitioner's naval record be corrected, where appropriate, to show the date of rank and effective date of his permanent promotion to chief warrant officer (W3) as 1 December 1997; and that his lineal precedence be adjusted accordingly.
 - b. That any material or entries inconsistent with the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.
 - c. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.
 - d. That Petitioner's request that his CWO3 date of rank and effective date be adjusted to 1 October 1997 be denied.
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

4909-98

5420

Ser 85/322

18 Nov 98

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LT [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned recommending approval of Lieutenant Junior Grade [REDACTED] request to backdate his CWO3 permanent appointment date of rank.
2. LT [REDACTED] was selected by the FY98 Chief Warrant Officer (W-3) Selection Board. Due to a delay in processing, the CWO3 permanent promotion appointment was approved after [REDACTED] projected date of rank of 1 October 1997. LTJG [REDACTED] CWO3 date of rank is 12 February 1998.
3. It has been determined that his date of rank be backdated to 1 December 1997.

[REDACTED]

BCNR Liaison, Officer Promotions
and Enlisted Advancements Division

490998



PERS-85
DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
MILLINGTON, TN 38055-8500
FAX: (901) 874-2751 DSN: 882-2751

FROM: [REDACTED]
TO: [REDACTED]
COMMAND: DCNR
FAX#: DSN [REDACTED]
OF PAGES: - 1 - (INCLUDING COVERSHEET)

MEMO:

JON,

AS PER OUR LTR 5420 SER 85/322
OF 18 NOV 98, LT [REDACTED] CWO3
DOR WAS CORRECTLY PROJECTED TO BE
BACKDATED TO 1 DEC 97. THIS ACTION
WAS BASED ON PREVIOUS DETERMINATION THAT
ALL CWO3 FY98 SELECTS WOULD HAVE A PROMOTION
DATE NOT PRIOR TO 1 DEC 97. U/R
LT [REDACTED]